

JUL 28 2006

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KAM MING CHIN,

Defendant - Appellant.

No. 05-50051

D.C. No. CR-03-00524-RGK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS and THOMAS, Circuit Judges.

This is an appeal from the sentence imposed upon revocation of supervised release. A review of the record indicates that the appeal is moot because the custodial term has ended and Appellant was not sentenced to a term of supervised

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

release to follow his custodial sentence. *See United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999). We reject Appellant’s contention that his appeal is not moot because he demonstrated one of the “exceptional situations” sufficient to avoid application of the mootness doctrine. *Spencer v. Kemna*, 523 U.S. 1, 17 (1998).

APPEAL DISMISSED.